

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

Leonard J. Monroe, Lowry A. Monroe  
et al.

Defendants.

Civil Action No.:

04-CV-558 A

**JUDGMENT FOR DEFICIENCY**

The Plaintiff herein having moved this Court by Notice of Motion returnable  
May 20, 2005, for an Order:

a) Confirming the U.S. Marshal's Report of Sale in the above entitled action;  
and

b) Granting leave to Plaintiff to enter a deficiency judgment in favor of Plaintiff  
and against the Defendant, Lowry A. Monroe, in the sum of \$25,549.88, plus interest,  
costs and disbursements of this action; and

c) Granting the Plaintiff such other further relief as may be just and proper; and

IT APPEARING to the satisfaction of the Court that due notice of the filing of the  
U.S. Marshal's Report of Sale herein has been given to the parties entitled thereto and  
that no exceptions to said report have been filed, although the time for doing so has fully  
expired and that eight days have elapsed since said report was filed and it further  
appearing that the proceeds of said sale were not sufficient to pay the amount ordered by  
the judgment to be paid to the Plaintiff, as adjudged by the judgment heretofore entered  
in this action,

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U.S. DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK  
BUFFALO

NOW on reading and filing Notice of Motion returnable May 20, 2005, and the papers annexed thereto, consisting of a copy of the U.S. Marshal's Report of Sale herein dated 3/29/2005, and the original Report having been heretofore filed with the Clerk of this Court, the Affidavit of Gerald N. Murphy, Esq., sworn to the 22<sup>nd</sup> day of April, 2005, the Appraisal of Zientek Appraisals, dated 11/23/2004, and upon proof of due service thereof upon the Defendant, Lowry A. Monroe and neither Defendant nor her attorney having appeared or submitted any papers in opposition to the motion and upon all proceedings heretofore had herein and due deliberation having been had thereon,

NOW, upon Motion of Forsyth, Howe, O'Dwyer, Kalb & Murphy, P.C.; Gerald N. Murphy, Esq. of Counsel, attorneys for the Plaintiff herein, it is

ORDERED AND ADJUDGED that the motion of the Plaintiff for an Order confirming the U.S. Marshal's Report of Sale in this action be and the same is hereby granted; and it is further

ORDERED AND ADJUDGED that the Motion of the Plaintiff for leave to enter a deficiency judgment in favor of the Plaintiff and against the Defendant, Lowry A. Monroe, in the sum of \$25,549.88, plus interest from March 29, 2005, at 2.60% percent per annum, and that the plaintiff have execution therefore.

Signed this 25 day of May, 2005 at Buffalo, New York.

ENTER: Buffalo, New York \_\_\_\_\_,

  
HONORABLE Richard J. Arcara  
U.S. DISTRICT COURT